

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

DOMINGO RAMOS,

Defendant.

16-CR-826-04 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the attached letter from defendant Domingo Ramos. The Court reappoints Mr. Ramos's trial counsel, Patrick Joyce, Esq., for the limited purpose of assisting Mr. Ramos in attending to the concerns he raises. The Court asks Mr. Joyce, by Friday, November 20, 2020, to file a letter on the docket of this case reporting on the status of the issues raised by Mr. Ramos.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 9, 2020

New York, New York





U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

Office Memorandum

150 Park Row
New York NY 10007

March 20, 2019

FROM: R. Proto, Unit Manager

TO: Ramos Domingo
Reg. No. 78693-054

SUBJECT: **Regional Administrative Remedy Appeal Number 969876-R1**

Our records reflect you received your rejection notice to appeal number 969876-R1 on March 7, 2019. Accordingly, the delay in you receiving the rejection prevented you from mailing your appeal in time to meet the dates prescribed. Please include a copy of this memo with your filling to seek excuse your untimeliness.

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MARCH 7, 2019

ebd

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : DOMINGO RAMOS, 78693-054
NEW YORK MCC UNT: 9N QTR: I03-920L
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 969876-R1 REGIONAL APPEAL
DATE RECEIVED : MARCH 4, 2019
SUBJECT 1 : DHO APPEAL - COMBINED (PROCEDURES, EVIDENCE & SANCTIONS)
SUBJECT 2 :
INCIDENT RPT NO: 3184506

REJECT REASON 1: ALL FOUR PAGES OF YOUR (BP-9) (BP-10) (BP-11) FORM MUST BE
LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL
NOT BE ACCEPTED.

REJECT REASON 2: YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10)
MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM
RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME
INCLUDES MAIL TIME.

REJECT REASON 3: PROVIDE STAFF VERIFICATION STATING REASON UNTIMELY FILING
WAS NOT YOUR FAULT.

REJECT REASON 4: SEE REMARKS.

REJECT REASON 5: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN
10 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REMARKS : YOUR APPEAL WAS DUE BY 2-25-19. IT WAS RECEIVED ON
3-4-19.

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU PRISONS

Institution: MCC, NY	Incident Report number: 3184506	
NAME OF INMATE: Ramos, Domingo	REG. NO.: 78693-054	UNIT: 9N
Date of Incident Report: 10/25/18	Offense Code: 201	

Date of Incident: 9/15/18

Summary of Charges: FIGHTING

I. NOTICE OF CHARGE(S)

A. Advanced written notice of charge (copy of Incident Report) was given to inmate on (date) 10/25/18 at (time) 4:10 pm (by staff member) R. West.

B. The DHO Hearing was held on (date) 12/18/18 at (time) 12:44 pm.

C. The inmate was advised of the rights before the DHO by (staff member): F. Olivares on (date) 10/30/18 and copy of the advisement of rights form is attached.

II. STAFF REPRESENTATIVE

A. Inmate waived right to staff representative. Yes No _____

B. Inmate requested staff representative and n/a appeared.

C. Staff Representative statement:
N/A

D. Requested staff representative declined or could not appear but inmate was advised of option to postpone hearing to obtain another staff representative with the result that: (New Staff Representative Name) N/A was selected.

E. Staff representative N/A was appointed.

III. PRESENTATION OF EVIDENCE

A. Inmate XX (admits) XX (denies) XX (neither) the charge(s).

B. Summary of inmate statement: "I didn't even get a chance to swing at them. It was two people that came at me, one had a lock in a sock and the other had a razor. I had to defend myself and was just trying not to get hit."

C. Witnesses:

1. Inmate waived right to witness. Yes No _____

2. The following persons were called as witness at this hearing and appeared (Each witness name and statement listed below): N/A

3. The following persons requested were not called for the reason(s) given (Each witness name and statement listed below): N/A

4. Unavailable witnesses were requested to submit written statements and those statements received were considered (Each witness name and statement listed below).

D. Documentary Evidence: In addition to the Incident Report and Investigation, the DHO considered the following documents: Evidence photos

E. Confidential information was used by DHO in support of his findings, but was not revealed to the inmate. The confidential information was documented in a separate report. The confidential information has been (confidential informants have been) determined to be reliable because: N/A.

IV. FINDINGS OF THE DHO

A. The act was committed as charged. _____ C. No prohibited act was committed: Expunge according to Inmate Discipline PS.

B. The following act was committed: _____

V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS (Physical evidence, observations, written documents, etc.):

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU PRISONS

Name of Inmate: Ramos, Domingo	Reg. No.: 78693-054	Hearing Date: 12/18/18
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The DHO finds on September 15, 2018, you were involved in a fight.

Specific evidence relied on to support this finding is the incident report written by T. Doctor. She states on October 25, 2018 an SIS investigation was concluded. The investigation determined that on September 15, 2018, inmate Ramos, Domingo, Reg. No. 78693-054 was observed by staff swinging a closed fist punch towards another inmate whom staff was unable to identify. The unit was secured and upper body checks were initiated. Inmate Burgess, Tyshawn #85774-054 was identified as the other assailant. Health Services staff identified Ramos with a scrape to the back of his head area and right elbow. Additionally, Burgess was identified with a minor injury to his right index finger. Based on the information received an incident report for 201 fighting with another person is warranted.

Based on the incident report and supporting documentation, the DHO finds you committed prohibited act - 201 (Fighting with another person)

VI. SANCTION OR ACTION TAKEN (List each prohibited act with respective sanctions for that act):
201
Disciplinary Segregation: 15 Days
Disciplinary Segregation: 15 Days - Suspended pending 180 days clear conduct
Loss of Email for 120 Days

VII. REASON FOR EACH SANCTION OR ACTION TAKEN:

Fighting within a Bureau of Prisons' facility will not be tolerated. It endangers the safety of both staff and inmates, thereby, jeopardizing the security and orderly running of the institution.

Disciplinary Segregation time has been imposed. Good Conduct Time is given to inmates who maintain clear conduct. Failure to do so will result in the Disallowance/Forfeiture of Good Conduct Time. Although this incident does not involve a privilege, the DHO feels the Loss of Email may impress upon you the seriousness of your actions.

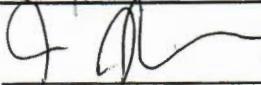
VIII. APPEAL RIGHTS: The inmate has been advised of the findings, specific evidence relied on action and reasons for the action. The inmate has been advised of the right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate.

IX. Discipline Hearing Officer

Printed Name K. Shivers	Signature 	Date 12/23/18
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DHO report delivered to Inmate by:

F. Olivares
Printed Name (Staff)


Signature
2-09-19 11:10am
Date and Time:


2.5.1

Prescribed by P5270

Replaces BP-A0304 of AUG 11

U.S. Department of Justice

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Ramos Domingo
LAST NAME, FIRST, MIDDLE INITIAL

78693054
REG. NO.

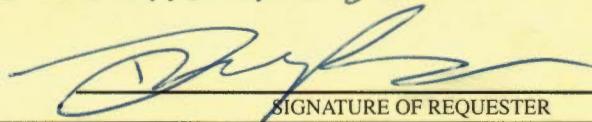
9N
UNIT

MCC
INSTITUTION

Part A - REASON FOR APPEAL Reason for my appeal is to clear up a misconception about the incident in question. I was not engaged in any offensive action as per the staff statement of my "Swinging a closed fist punch." I was attempting to deflect the weapons being used against me, (eg a lock in sock and a razor/knife) The staff member's angle of view could easily have been obstructed so as not to see this detail, further. The injuries documented by health services staff clearly indicate I had defensive wounds only. I believe that an allowance is to be made in cases where an inmate is the non aggressor and does not retaliate offensively. Wounds to the back of my head and elbow clearly demonstrate I was not physically in a position to strike an offensive blow.

2/10/2019

DATE



SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

916987(CR)

Part C - RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Ramos Domingo
LAST NAME, FIRST, MIDDLE INITIAL

78693054
REG. NO.

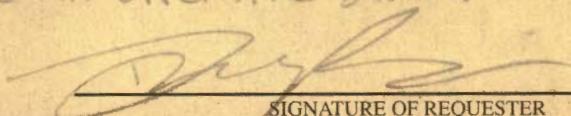
9N
UNIT

MCC
INSTITUTION

Part A - REASON FOR APPEAL Reason for my appeal is to clear up a misconception about the incident in question. I was not engaged in any offensive action. Per the staff statement of my "Swinging a closed fist punch." I was attempting to deflect the weapons being used against me. (eg a sock in sock and a razor/knife) The staff member's angle of view could easily have been obstructed so as not to see this detail, further. The injuries documented by health services staff clearly indicate I had defensive wounds only. I believe that an allowance is to be made in cases where an inmate is the non aggressor and does not retaliate offensively. Wounds to the back of my head and elbow clearly demonstrate I was not physically in a position to strike an offensive blow.

2/10/2019

DATE



SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE RECEIVED
FEDERAL BUREAU OF PRISONS
REGIONAL COUNSEL OFFICE
MAR 04 2019
PHILADELPHIA

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 9181870R1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

16CR0826-PAE

11.01.2020

To: The Honorable Paul A. Engelmayer

I hope you and your loved ones are doing well. Your Honor please excuse me for any inconvenience I may be causing you. You have been very understanding, compassionate and patient with me. I sincerely thank you for that.

Your Honor I have tried to reach my attorney numerous occasions via phone and email. It has been about two months now. I have not heard anything, so I hope he is well. And we settled our differences the last time we spoke via video conference, I apologized to him for overreacting in my last letter to you. I really do appreciate the effort he made for my compassionate release motion. So me writing you direct is not due to any negligence on his behalf. We just have not been able to connect and my need of assistance is becoming urgent.

I think an attempt was made on my life. I will explain why I feel this way. First I want to give you a recap of the events leading up to this last situation.

On August 2, 2017 was my third meeting with my prosecutor. It was also my last. At this meeting I was told to give in all the contraband I admitted to having. On August 3, 2017 I gave in a cell phone and a weapon I gave the phone chip in so they can see I was only in contact

with my children. The first attempted assault on me was on August 2, 2017 after arriving from the meeting. I did not directly go to the officer on duty because, at that time then I would have ^{not} been able to deny that I was cooperating. I was not willing to chance something happening to one of my loved ones. I was living on the Kingsbridge Rd and Jerome Ave at the time and one of the unknown persons in my case was or should I say is a member of the Dominican gang who at the time controlled St. James park right across the street from my apartment at the time. I begged the prosecution not to put separations on me so my family would not be placed in jeopardy. The only unit I had no co-defendants in was 11 North. But I had informed them of someone there I had worked with, I gave them his name and when I gave in my contraband he was caught with an icepick. That he tried to use on me. I was able to fend off the attack. Now this gang that operated across the street from my house were responsible for numerous acts of violence including murder. So I was very afraid for my son who was 12 at the time and play in the park with his friends. These guys were even killing kids. They are here at MCC right now for all those murders. Including the young kid Junior R.I.P.

Now when I was taken to S.H.U. I explained my situation to an officer who then called the S.I.S. Lt. Doctor in order to give me a phone call to make sure my son stayed home she made me tell her where I got the phone from, I told her the name

of the inmate and staff involved. She then asked why I didn't tell my prosecutor where I got the phone from. I told them that ^I was scheduled to go to another meeting and meet with another prosecutor who was conducting an investigation with in the B.O.P. I had no idea at the time how like the Lt. I mentioned was here at the facility. Neither did I know that Lt. Doctor had affiliations to every blood set original Blood sets. This I heard from her own mouth.

I was given a Incident report for the things I gave in and My Prosecutor was told that I said She gave me permission to have them. That was a lie and I was never given the chance to explain myself. They never not once tried to help me the way I have seen them help other people here with thier Prosecutors. They canceled my move to C.E.O.

My PSI states I only did 30 days in segregation for that ticket I did 64 days. In Dec, I was given a new attorney. I told Mr. Joyce everything that happened he said he would take care of it. My separations were still in place and I was targeted because of it. Mr. Joyce informed me they did not want to use me because of the incident that took place. I asked for the seps to be lifted, to give me an offer. The government wanted to wait to see if some one other then Polanco would goto trial in order to use me. All Mr Joyce would tell me is to not worry about it that I would be okay. I kept telling him I was having problems. I would not get any response from him.

On April 29, 2018 I was caught with an ice pick. A week before that I had gotten jumped

by two bloods and a crip. I got 'jumped' because some how they found out I was telling the consular I didn't feel safe after seeing my bunkie (cellmate) stabbed for being a snitch. I told my consular who it was and I also told them they carry shanks. A few guys I knew stepped in and made the top gang members leave me alone if they didn't have proof. To be honest I put a slip on myself and got token to SHU, I never admitted this to no one until now. I was ashamed of being scared. I told Lt Doctor I was afraid for my safety I was in SHU about two months before she (Lt Doctor) sanctioned me to 45 more days not counting what I had waited to see D.H.O. She took 27 days good time before I was sentenced. Due to technicalities I should of gotten the ticket overturned I was never given a disposition in order to appeal. Someone else who was a blood got his ticket overturned at once, on the same technicality. She favors all bloods in all her hearings.

On September 15, 2018 I was jumped for the last time. Information I had gave the prosecution was used to enhance, one of my co-defendants (Palmares) and the paperwork started to circulate and I was assaulted. I was given a incident report for fighting when my injuries clearly indicated I was on the defensive side of the matter. Mr. Joyce asked me if I went to the hospital when I said no he lost all interest. I was sanctioned 15 days after being in SHU for about three months. I was ~~released~~ released from SHU on Jan. 3, 2019. I made a big deal about it to the warden at the time I was so beaten and depressed that I said I wanted to

Kill myself because of all of the injustices I was going through at the facility, he made Lt. Doctor give me my disposition in order to appeal. I never got any response after I was told I put it in to late but again the warden made my consular give me a paper for an extention. A few weeks ago an officer feeling sorry for me cause he knows everything I been through gave me my appeal that was still in a draw and was never sent out. Apart from all this my property was given away everytime I went to the box. An orderly in the box intercepted a letter sent from one blood member to a high ranking member asking for an all out hit on me for gate banging (snitching) I gave it to my attorney nothing was ever done about it I know the hand writing could have been matched.

Just recently Your Honor I started smoking tobacco and some one laced a ~~cigarette~~ cigarette sold to me with K-2 I over dosed and was treated. I dont know what they gave me to bring me back. Before this happened I sent an email to my lawyer asking him to please get me out of here because of the drugs and gang violence. I tried to print out the email but there is no paper in the printer. I had told staff as well and one staff made a joke telling me not to tell on them in front of other inmates. Bloods tried to jump me saying I was a snitch. If these cameras hold date I can prove it, it should show 5 of them in front of my cell telling me to pack up or die. Again Someone intervened on my behalf, "No black and white leave him alone". I told my consular and the hearing officer and no one did nothing I could have lied because my urines came out clean. But I choose to tell the truth. And

for that I lost 41 days more of good time. And was put back in the same unit. I feel as if someone wants me to retaliate a get a new charge. I'm afraid to even mention certain staff by name in case this gets opened. I have waited for an officer to be on duty that I feel wont be involved in any corrupted activities,

Your Honor am I wrong to want to live in a drug free safe environment. Do I have the right to it being that I was once selling poison myself. Is there ever going to be an ending to my suffering. I am so tired of fighting of being scared. As a young boy I would go hungry and always be scared sleeping on rooftops and parks. If it weren't for my kids I would have given up a long time ago,

It has taken me so long to write this I was cuffed so tight on Sep 27 2020 that until today NOV 2 I still can't feel my thumb and index finger all the way down to my ~~right~~ wrist and I still have not been called for an X-ray. I am in constant pain. I hurt my back and I could hardly walk or even stand and I was not even taken to medical all I was given was Iuprofen.

gangs run this jail so much drugs are sold here it should not be this way. I want to help, it needs to stop. Please help me. If there is nothing you can do about what is going on here can you have me moved. A new date was given to me due to the covid

10. 10.2023 is the date I know you want me to have more time in before you consider me for early release. I'll do anything I must your Honor My 15 year old has started drinking I feel its my fault, I can't lose

him to the street your Honor I'll lose my mind. My intentions wasnt to ask you for early release again so soon. But 22 and 23 along with every thing else I'm going through is really effecting me in a bad way. I been here 45 months I feel I been here 10 years already. I would like to go to an in-patient program for 12 to 18 months. At least out there I would be able to speak to my son everyday.

Everything I have said here I can prove given the chance.

Thank you for your time Your Honor. Just knowing your going to read this in the near future has made me feel better. I know your do what you can

Sincerely

Domingo Ramos

Domingo Ramos 7869305
MC
150 Park Rd
N.Y.N.Y. 10007

Rec'd 11/6/20
by

Honorable Paul A. Engelmayer
United States District Court Judge
United States Courthouse
40 Foley Square
New York New York 10007

U.S. MAIL



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